

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Valerie Torres and Derreck Becerra,

Plaintiffs,

-against-

The City of New York; New York City Police Captain
Peter Simonetti; New York City Police Officer
Thomas M. DeLacy, New York City Police Officers
John Does 1 through 9 and New York City Police
Officer Jane Doe,

Defendants.
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**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

07 Civ. 8482 (GBD)

WHEREAS, plaintiffs Valerie Torres and Derreck Becerra commenced this action by filing a complaint on or about October 1, 2007 alleging that defendants violated plaintiffs' federal civil rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, plaintiffs have authorized his counsel to settle this matter on the terms set forth below:

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff Valerie Torres the sum of Fifteen Thousand (\$15,000.00) Dollars; and plaintiff Derreck Becerra Ten Thousand (\$10,000) dollars in full satisfaction of all claims, including claims for costs, expenses and attorney's fees. In consideration for the payment of these sums, plaintiffs agree to dismissal of all the claims against the defendants and to release all defendants, any present or former employees and agents of the City of New York, and the City of New York or any agency thereof, from any and all liability, claims, or rights of action that have or could have been alleged by plaintiffs in this action arising out of events alleged in the complaint in this action, including claims for costs, expenses and attorney's fees.

3. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, General Releases based on the terms of paragraph 2 above and Affidavits of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York, or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

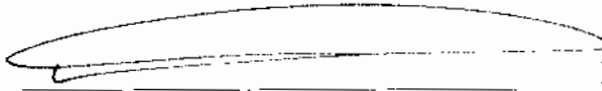
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
3/27, 2008

DARIUS WADIA, ESQ.
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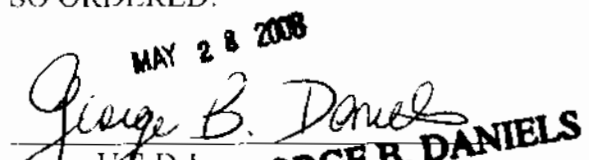
By:


Darius Wadia (DW 8679)

By:


Douglas W. Helm (DH5238)
Assistant Corporation Counsel

SO ORDERED:


MAY 28 2008
U.S.D.J.
HON. GEORGE B. DANIELS